

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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A.S., an infant by and through his mother and :
natural guardian Tara Moccio, :
Plaintiff, :
:

v. :

J.M., an infant by and through his mother and :
natural guardian Teresa Makowski; DANIEL :
JENKINS; CONNETICUT POWER FIT EXPO :
LLC; ANTHONY COGLIANDRO; DONALD :
RODRIGUES; KRANE RATINGS INC.; :
BLACK DRAGON MARTIAL ARTS, LLC; :
and BRITOS MARTIAL ARTS, LLC; :
Defendants. :
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ORDER

22 CV 6223 (VB)

Plaintiff brings this action invoking subject matter jurisdiction by reason of diversity of citizenship under 28 U.S.C. § 1332.

To invoke diversity jurisdiction under 28 U.S.C. § 1332, there must be complete diversity of citizenship. Caterpillar Inc. v. Lewis, 519 U.S. 61, 68 (1996). Thus, 28 U.S.C. § 1332 “applies only to cases in which the citizenship of each plaintiff is diverse from the citizenship of each defendant.” Id.; see also Lincoln Prop. Co. v. Roche, 546 U.S. 81, 89 (2005). Specifically, 28 U.S.C. § 1332(a)(1) applies when the dispute is between “citizens of different States.”

A limited liability company has the citizenship of each of its individual or entity members. Handelsman v. Bedford Vill. Assocs. Ltd. P’ship, 213 F.3d 48, 51–52 (2d Cir. 2000).

Here, plaintiff alleges he is a citizen of New York, and that defendant Britos Martial Arts, LLC (“Britos”), is a limited liability company incorporated in New York and with a principal place of business in Wingdale, New York. (Compl. ¶ 9). This appears to suggest a lack of complete diversity, which would require that the case be dismissed. However, as noted above, an LLC’s state of incorporation and principal place of business are irrelevant for purposes of

determining an LLC's citizenship; it is the citizenship of the LLC's constituent members that matters.

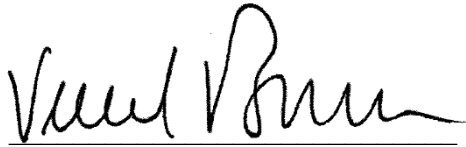
Plaintiff's complaint fails to identify the constituent members of Britos or their citizenships.

Accordingly, by July 28, 2022, plaintiff's counsel shall submit a letter identifying the members of Britos and their citizenships, so that the Court can determine whether it has subject matter jurisdiction.

In the event plaintiff's counsel can demonstrate that Britos is not a citizen of New York, counsel shall also identify the members of the two other LLC defendants—Connecticut Power Fit Expo LLC, and Black Dragon Martial Arts, LLC—and those members' citizenships, so that the Court can determine whether it has subject matter jurisdiction.

Dated: July 26, 2022
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge